

# 2021 ANNUAL REPORT

THE CITY OF FREDERICK | DIVISION OF PLANNING



PREPARED FOR THE CITY OF FREDERICK MAYOR AND BOARD OF ALDERMEN  
IN ACCORDANCE WITH THE LAND USE ARTICLE OF THE CODE OF MARYLAND



# 21

Produced By:  
THE CITY OF FREDERICK  
DEPARTMENT OF PUBLIC WORKS  
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**FREDERICK**  
MARYLAND



## 62<sup>ND</sup> ADMINISTRATION

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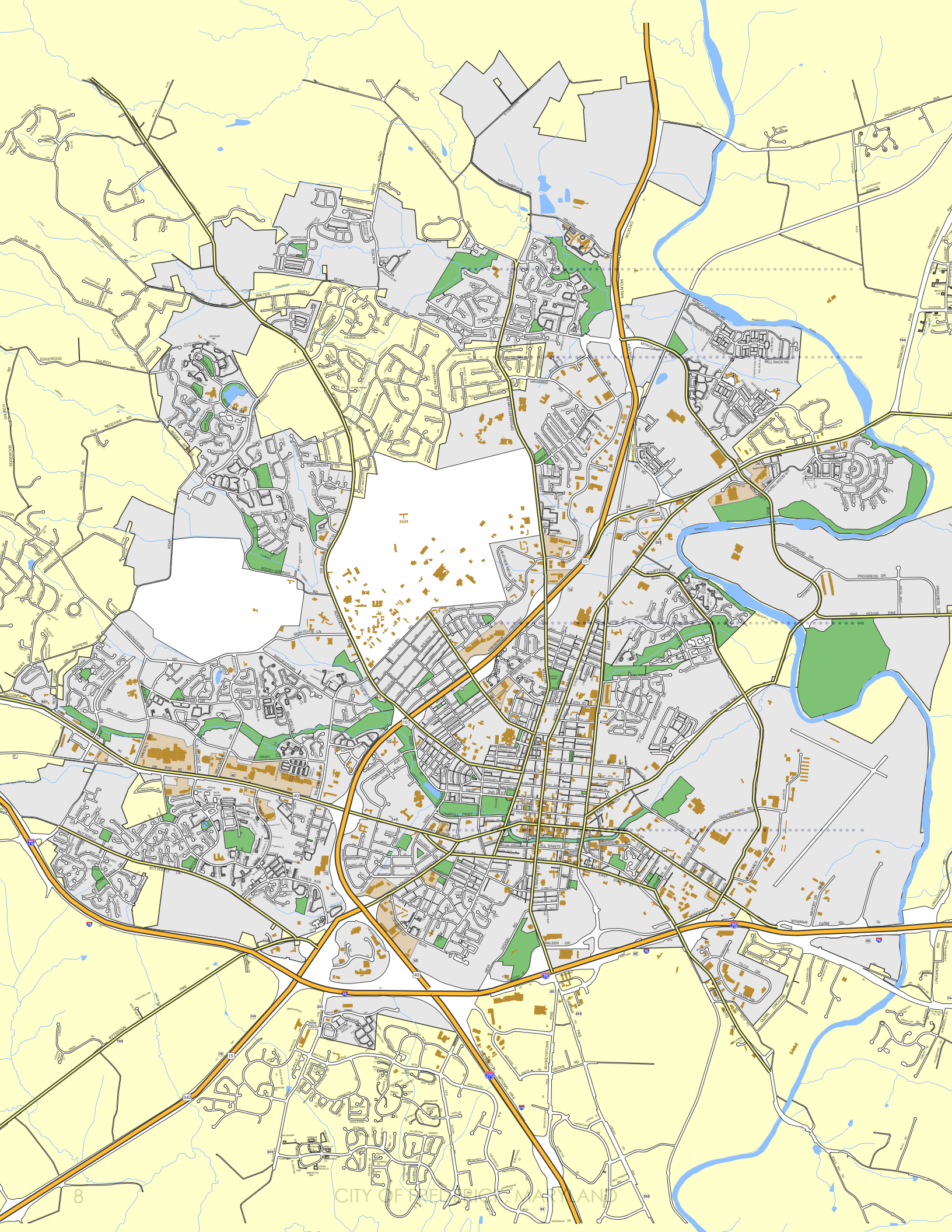




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# FREDERICK CITY PROFILE

2019

## GOVERNMENT

Founding	1745
Date of Incorporation	1817
Form of Government	Mayor and Board of Aldermen

## LAND

Area (square miles)	22.2
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## POPULATION AND DEMOGRAPHICS

2017	71,867
2022 (projected)	75,858

2017 Median Age	36.4
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### Age Comparison (ESRI 2017)

Under 20 years	25.3%
20-34 years	22.6%
35-54 years	27.4%
55-74 years	18.8%
75+ years	5.8%

<b>Total Housing Units</b>	<b>27,705</b>
Owner Occupied	55.2%
Renter Occupied	44.8%

<b>Average Household Income</b>	<b>\$87,860</b>
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### Household Income Comparison

Above \$100,000	32.2%
\$75,000-\$100,000	14.5%
\$50,000-\$75,000	20.7%
\$35,000-\$50,000	11.5%

## ECONOMICS

### Employment by Industry

Educational/Health Care	20.9%
Professional Business Services	16.6%
Retail Trade	14.5%
Leisure	12.8%
Public Administration	7.4%
Construction	7.1%
Fire	5.8%
Manufacturing	6.2%
Other Services	4.4%
Wholesale	2.8%
Transportation/Utilities	2.0%
Information	1.1%

## INSTITUTIONAL AND CULTURAL ASSETS

### County Public Schools (PK-12)

Number of City Schools	16
2017 City School Enrollment	10,426

### Frederick Community College

2018 Credit Students	8,896
2018 Continuing Education	7,107

### Hood College

2018 Undergraduates	1,092
2018 Graduates	960

### Frederick Memorial Hospital

2019 Number of Beds	233
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Source: The City of Frederick Annual Budget Report,  
Fiscal Year 2018-2019,  
Demographic and Statistical Profile

# ORGANIZATION STRUCTURE

## CITY OF FREDERICK DIVISION OF PLANNING

### OUR MISSION:

*“ To support the practice of good planning, the Division of Planning strives to provide leadership in assisting City representatives in making informed decisions concerning land use, built environment, and heritage resources. Through education, the Division of Planning assists in responding to the defined needs of the City and provides information and recommendations to citizens and decision makers of the City of Frederick so jointly a long term sustainable vision can be achieved. ”*

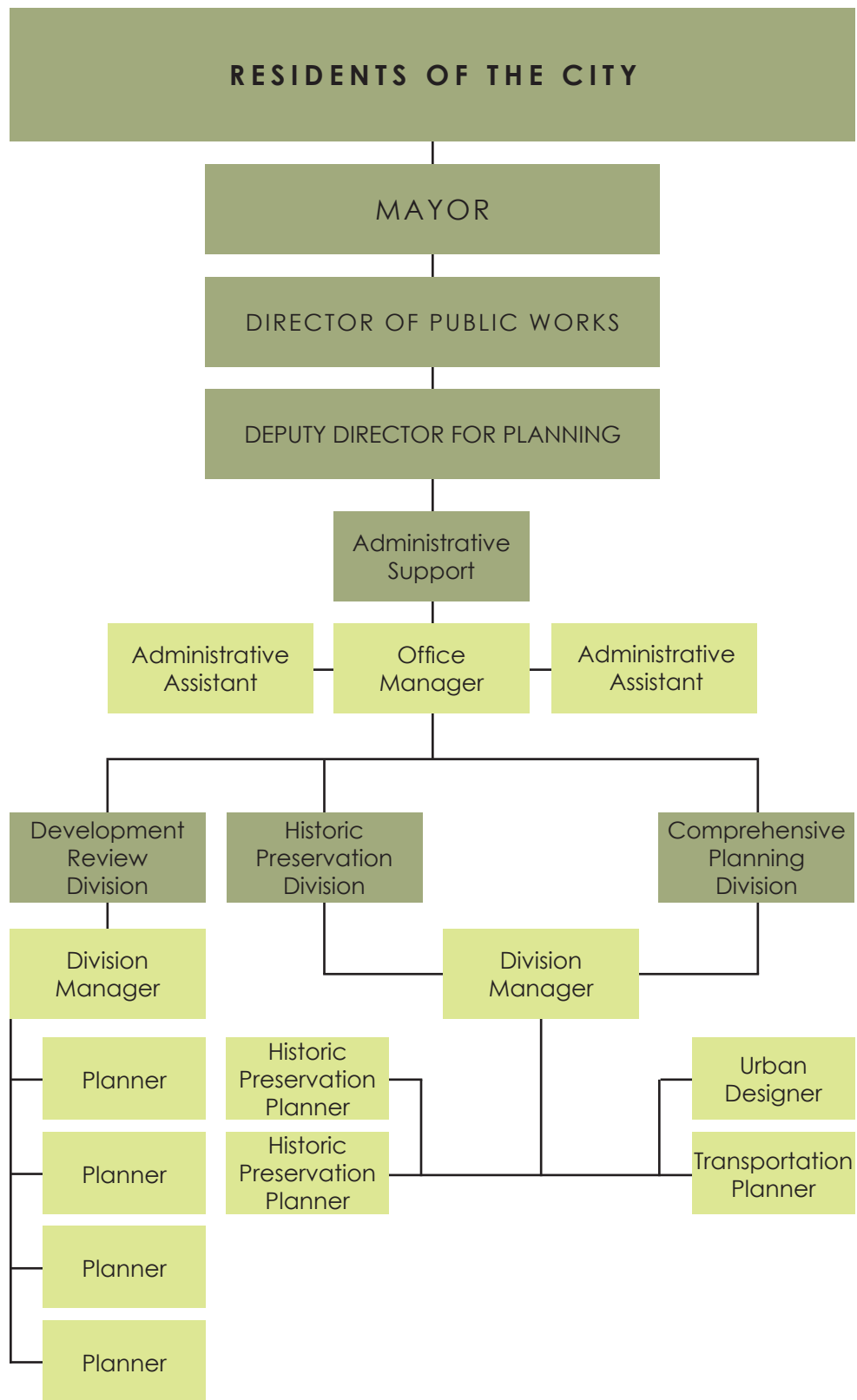
### DIVISION OF PLANNING



### HISTORIC PRESERVATION







# DEPARTMENT OVERVIEW

## CITY OF FREDERICK DIVISION OF PLANNING

The Division of Planning assists the City's leadership in making informed decisions concerning land use, proposed development projects, heritage resources, and housing opportunities. The staff provides technical assistance to various boards and commissions and oversees the public hearing process. Thereby enabling citizen participation in shaping the future of Frederick's neighborhoods. The Division of Planning works closely with community leaders, elected officials, and other stakeholders to ensure the viability of future growth, enforce City regulations, and maintain the high quality of life enjoyed by City of Frederick residents.

The Division of Planning is comprised of three sectors: Development Review, Comprehensive Planning, and Historic Preservation.

### **THE DEVELOPMENT REVIEW DIVISION**

is charged with coordinating the review process for all commercial, residential, and institutional land development in the City. The Division serves as the central agency for receiving and routing development plans as well as the primary contact for applicants during the review process. In addition to these management functions, Division staff also conduct the technical review of applications for compliance with the applicable zoning, subdivision, and forest conservation regulations, collectively known as the Land Management Code (LMC), and provides recommendations to the Zoning Board of Appeals, Planning Commission, and Mayor and Board of Aldermen on pending land use applications.

### **THE COMPREHENSIVE PLANNING DIVISION**

prepares, maintains, coordinates and administers the City of Frederick Comprehensive Plan. The Comprehensive Plan is a series of planning policies designed to guide and manage the future growth of the City. Division staff facilitate public meetings to ensure citizen participation and community input for all planning initiatives.

### **THE HISTORIC PRESERVATION DIVISION**

coordinates and reviews applications for improvements in the Historic Preservation Overlay Zones. Division staff members provide technical assistance, analysis and research services to the Historic Preservation Commission, other City agencies, and the public. The Division administers the designation program, historic preservation tax credit program, and the demolition review ordinance. The Division also provides project management for various historic preservation grants and coordinates the City's responsibility under the Federal Section 106 program. Division staff coordinate outreach and educational opportunities related to historic preservation including training, newsletters, brochures, workshops, and Historic Preservation Month activities. The Division also assists in the adoption of updates/revisions to the Land Management Code or other development regulations related to historic preservation as well as in the preparation of the Comprehensive Plan.

# DIRECTORY OF SERVICES

## CITY OF FREDERICK DIVISION OF PLANNING

The Division of Planning's divisions each perform many services, including the following:

### DEVELOPMENT REVIEW SERVICES

- **Project Review**
  - Review master plans, subdivision plans, sketch plans, site plans, forest conservation plans, improvement plans, and building permit applications for compliance with all applicable sections of the Land Management Code.
  - Review and draft applications for amendments to the Land Management Code.
  - Review applications for zoning map amendments.
  - Annexations.
- **Verification Services**
  - Provide verification letters upon request by applicants for zoning compliance and confirmation of nonconforming uses.
  - Provide written verification as to the permissibility of uses in specific locations to other state and local agencies including the Frederick County Liquor Board and the Maryland Motor Vehicles Association in conjunction with licensing applications.
- **Customer Service**
  - Provide "Planner-on-Call" services five days a week from 8 AM - 2 PM.
  - Provide "One Stop Shop" permitting support on a weekly basis to allow same-day permitting.

### COMPREHENSIVE PLANNING SERVICES

- **Comprehensive Plan**
  - Maintain and update the City's Comprehensive Plan in compliance with State requirements.
- **Small Area Plans**
  - Implement the goals and recommendations of the City's Comprehensive Plan through neighborhood-level plans.
- **Inter-jurisdictional Coordination**
  - Coordinate with Frederick County and the State of Maryland on planning efforts that cross jurisdictional boundaries.



## TRANSPORTATION PLANNING SERVICES

- Secures grants and services either through the Maryland Department of Transportation (MDOT) and the Transportation Planning Board (TPB).
- Conduct local planning efforts such as the Bicycle Pedestrian Plan
- Participate in State transportation plans including the US15 Planning Study, I-270 Managed Lanes Inter-Agency Working Group
- Participate in Metropolitan Washington Council of Government efforts, including:
  - Transportation Planning Board Technical Committee
  - Bicycle & Pedestrian Subcommittee
- Partner with other agencies to promote events for safe pedestrian and bicycle activity.
- Capital Improvement Plans (CIP)
  - Project Manager or team membership for roads, bridges, sidewalks, shared use paths, streetscape enhancement, structured parking, Wayfinding and Rails to Trails.
  - Coordinate efforts to enact Vision Zero

## HISTORIC PRESERVATION SERVICES

- Provide technical assistance to applicants seeking Historic Preservation Commission approval.
- Review applications for alterations, construction, and demolition in the Historic Preservation Overlay.
- Coordinate Historic Preservation Commission review of cases.
- Manage the Administrative Approval Program.
- Administer the Historic Preservation Tax Credit Program.
- Project management for Certified Local Government Grants.
- Administer Demolition Review Ordinance.
- Assist in the review of development applications that have the potential to impact historic resources outside the Historic Preservation Overlay, such as those on the National Register of Historic Places.
- Coordinate Section 106 Review for historic properties, in compliance with the National Historic Preservation Act.
- Coordinate training, education and outreach efforts related to historic preservation.
- Assist in "One Stop Shop" permitting.

*The Division of Planning provides staff support or acts as a liaison for the following Boards, Commissions, or community organizations:*

## BOARDS AND COMMISSIONS

- Mayor and Board of Aldermen
- Planning Commission
- Zoning Board of Appeals
- Historic Preservation Commission
- Bicycle Pedestrian Advisory Commission
- Parks and Recreation Commission
- Neighborhood Advisory Councils
- Monocacy Scenic River Citizens' Advisory Board
- Metropolitan Washington Council of Governments Transportation Planning Board

## TASK FORCES AND WORKGROUPS

- East Frederick Rising
- Catoctin Mountain Scenic Byway Advisory Committee
- Heart of the Civil War Heritage Area
- Frederick County TransIT Services Advisory Committee (TSAC)
- Downtown Frederick Partnership
- Downtown Parking Task Force
- MDOT Bicycle and Pedestrian Partnership Program
- Golden Mile Alliance
- Frederick County Municipal Planners Group
- Maryland Association of Historic District Commissions
- Historic Designation Committee
- Mill Pond Ruins Committee
- National Alliance of Preservation Commissions

# COMMUNITY ENGAGEMENT

## CITY OF FREDERICK DIVISION OF PLANNING

### TECHNOLOGICAL RESOURCES

*A number of internet-based resources are now available through the City's website that aim to enhance public participation, promote planning initiatives, and educate residents and development professionals alike. These include:*

#### **SpiresGIS**

An online mapping application that provides access to important attribute data, such as zoning and tax assessment information on an individual property basis. Also available are optional layers of information regarding subdivision, floodplain, Neighborhood Advisory Council (NAC) locations, as well as a layer providing information on all active and closed Code Enforcement cases.

#### **Development Review Database**

Updated on a monthly basis, the Development Review Database allows citizens to identify the location and a description of new applications filed for review by the Division and the Planning Commission as well as contact information for the case planner assigned to the project.

#### **Online Meetings**

Planning Commission, Zoning Board of Appeals, and Historic Preservation Commission public meetings are all streamed lived and archived through the City's Online Meetings web page. Access to audio recordings from workshops, staff reports, and agendas are also online for all upcoming and past meetings.

In addition, the "Ask A Department" service on the City's website allows residents to submit questions via email to the planning staff increasing the speed and accuracy at which responses can be provided.



# PLANNING EFFORT

## CITY OF FREDERICK DIVISION OF PLANNING

### 2020 Comprehensive Plan

The Comprehensive Plan is used as a tool for residents, staff and elected officials in determining how the City of Frederick should grow during the next 20 years. The Planning Department launched its efforts to draft the 2020 Comprehensive Plan in July 2019. The community was invited to participate in two questionnaires and Staff met with approximately 30 stakeholder and community groups, committees, and commissions to gather valuable input through September 2019.

The most significant land use policy change reflected in the plan is the goal to plan on the neighborhood level through the implementation of small area plans and development regulations such as Form Based Codes or design overlay districts specific to those areas of the City.

The Mayor and Board of Aldermen adopted the plan on April 15, 2021 with an effective date of October 1, 2021. Following adoption, the next steps are to start implementing the policies of each of the Plan's elements, and to review the Zoning Map and Land Management Code in order to establish regulations consistent with the plan. During 2011, the Division of Planning began the process of Small Area Planning to address specific parts of the City in greater detail and is continuing these efforts with the implementation of the Golden Mile Small Area Plan and East Street Corridor Plan.

### East Frederick Rising

The Division of Planning is currently providing staff resources to a community-based planning effort in East Frederick. The East Frederick Rising Community Development Corporation seeks to address land use, transportation, and urban design issues

within and east of the East Street corridor. The vision of this planning effort is to develop a mixed use community of commercial and residential uses, based on the design principles of the City's historic district. The project has been divided into phases, which include: Concept, Draft Plan, and Building Regulations. The Concept phase was completed in September 2010 and adopted in November 2010 by both the Planning Commission and the Mayor and Board of Aldermen. East Frederick Rising obtained non-profit status in 2012.

### Golden Mile Alliance

The Division of Planning is currently providing staff resources to a community-based planning effort in the Golden Mile neighborhoods in West Frederick along West Patrick Street. The Golden Mile Alliance addresses land use, transportation, urban design, and business vitality within and surrounding the West Patrick Street corridor. The vision of these planning efforts is to ensure that the Golden Mile continues to be "a vibrant, diverse, and accessible premier destination for shopping, dining, living, recreation, and commerce in Frederick." Since 2015, the Golden Mile Alliance has been at the center of planning and improvements to the area.

### Urban Forestry Management Plan

The Planning Commission reviewed the Urban Forestry Management Plan in 2009 and the Plan was adopted by the Mayor and Board of Aldermen on April 15, 2010. The Plan is intended to provide strategies, goals, policies, standards, and actions to protect, enhance, increase, and preserve the tree canopy for the benefit of the City of Frederick. The Plan is to help coordinate and improve tree management in an equitable, economical, and sustainable manner. In 2017, the University of Vermont,

Spatial Analysis Laboratory, was contracted to re-evaluate the percentage of urban tree canopy within Frederick, based on the latest available 2014 imagery. As a result, the City of Frederick now has 20% in tree canopy with a goal to reach 40%. The next canopy assessment is due in 2021 and the Urban Forestry Management Plan to be updated in 2020.

The City has introduced several programs to incentivize residents to plant trees and the "Tree Frederick" is one component of the City's overall canopy programs to meet the 40% goal. The Tree Frederick program offers a 50/50 cost share for selected trees provided by the City for pickup in spring. Residents pre-order the trees, there is no limit at this time on the number that can be ordered per resident, until we expend the funds. In its first year, Tree Frederick sold 75 trees to residents. We hope in future years, the program grows, and more residents take advantage of it.

### **Maryland Transit Administration lease for the Rails with Trails Project**

The Rails with Trails lease with the Maryland Transit Authority is an agreement between the City and State that over the next 50 years a multi-user path will be constructed. Under this agreement, the City must provide for adequate insurance for such a facility and the storage of rails that are removed. The lease has no cost implication associated with it. Partners along the route include the Walkersville Southern Recreational Railroad, Canterbury Station, and Clemson Corner.

### **Bicycle and Pedestrian Plan**

Let's Move Frederick, the City of Frederick's comprehensive bicycle and pedestrian plan, is on track for public release and feedback in 2022. The plan comes out of an implementation measure detailed in the 2020 Comprehensive Plan and its vision for complete walking and bicycling networks alongside the street network for drivers. To accomplish this vision, Let's Move Frederick addresses the following issue areas:

- Existing Conditions, which examines Frederick through the lens of global best practices in walkability and bikeability for a city its size and provides recommendations for improvement;
  - Programs, which outlines the programs that would build up and encourage people to try walking and bicycling for fun and everyday trips;
  - Bicycle & Pedestrian Projects, which describes and outlines complete networks of sidewalks, shared-use paths, and on-street bicycling infrastructure;
  - Maintenance, which describes how the City is currently conducting street maintenance operations, additional responsibilities the City might take on, and the costs associated with the existing and potentially new responsibilities
  - Policy, which describes legislative changes to improve Frederick's position as a biking and walking-friendly city;
  - Financing, which discusses potential funding sources for the new infrastructure and potential new maintenance needs;
  - Design Guidance, which updates Frederick's standard road cross-sections; and
  - Implementation, which outlines specific, measurable, achievable, relevant, and time-bound goals based on the vision, existing conditions, project, policies, and programs outlined in the plan.
- The plan will be discussed in detail at the Bicycle-Pedestrian Advisory Committee and, following its public release, at workshops around the City before coming before the Mayor and Board of Aldermen.

# UPDATED DEVELOPMENT REGULATIONS

## CITY OF FREDERICK DIVISION OF PLANNING

*The following is a list of changes to the Land Management Code (LMC) that occurred in 2021:*

### **Ordinance G-21-06:**

An Ordinance concerning Mixed - Use Conditional Uses for the purpose to transfer ownership.

### **Ordinance G-21-15:**

An Ordinance concerning Accessory Dwelling Units for the purpose of revising a certain definition; adding a certain notice requirement; allowing accessory dwelling units as permitted use in certain zoning districts; allowing accessory dwelling units as a conditional use in certain zoning districts; imposing certain approval criteria; establishing certain minimum lot requirements; and generally relating to accessory dwelling units within The City of Frederick.

### **Ordinance G-21-16:**

An Ordinance concerning Park Development Impact Fees - Accessory Dwelling Units for the purpose of establishing a reduced fee for accessory dwelling units; updating references; clarifying language; and otherwise pertaining to park facilities development impact fee in The City of Frederick.

### **Ordinance G-21-24:**

An Ordinance regarding Historic Preservation for the purpose of providing for the withdrawal of a request for demolition review; clarifying language; updating references; making stylistic changes; and generally relating to demolition review and historic preservation within The City of Frederick.





# BUILDING ACTIVITY

## CITY OF FREDERICK DIVISION OF PLANNING

In 2021, the Division of Planning reviewed 3,233 building permits, including new residential construction, zoning certificates, demolitions, signs, decks, sheds, fences, and various other residential, commercial, and industrial permits. The 2021 total represents a decrease from the previous year's total of 1,990 permits. The table below shows the breakdown of the types of permit applications processed by the Division of Planning during 2021. Permits for signs, additions, decks and fences represented the vast majority of commercial and residential permit applications that the Division of Planning reviewed.

Permit Applications Processed by the Division of Planning				
Type of Permit	2020	% of total	2021	% of total
Demolitions, partial and complete	30	1.5%	28	0.87%
Commercial Construction, New	27	1.4%	23	0.71%
Commercial, Other (signs, renovation, temporary trailers, etc.)	331	16.6%	356	11.01%
Residential Construction, New	445	22.4%	1,566	48.44%
Zoning Certificate	201	10.1%	162	5.01%
Other Residential (decks, fences, sheds, pools, renovations, emergency repair)	956	48.0%	1,098	33.96%

The number of dwelling permit applications have stabilized to historic numbers over the last three years. Applications in major residential developments such as Cannon Bluff, Market Square, Homewood @ Willow Ponds, Worman's Mill, and Prospect Hall comprised the majority of new dwelling unit permit applications.

The chart below categorizes residential building permits issued by dwelling unit type. Most large developments within the City of Frederick are designed through the Master Plan Process either as PNDs or Mixed Use developments. The Master Plan process allows for flexibility in design subject to an overall community concept. These developments support the goals of the 2010 Comprehensive Plan.

2021 Dwelling Unit Permits by Type				
Year	Single-Family	Townhouse	Multi-Family	Total Units
2021	190	307	445	942
2020	143	195	186	524
2019	131	141	243	515
2018	110	81	26	217
2017	102	90	217	409
2016	72	91	423	586



# PLANNING SUBMITTALS

## CITY OF FREDERICK DIVISION OF PLANNING

The Division of Planning is responsible for reviewing all new development activity within the City of Frederick. This role includes the review of master plans, site plans, subdivisions, zoning map amendments, annexations, and other development case types.

The Division of Planning review process involves meetings with applicants; review periods for comments and revisions; meetings with Neighborhood Area Councils (NACs) to present draft plans; coordination of review comments from other departments and agencies; presentations to the Planning Commission; and in some cases presentations to the Parks and Recreation Commission, Bike & Pedestrian Commission or other boards. Some case types, such as zoning map amendments, text amendments, and annexations, also require review and approval by the Mayor and Board of Aldermen.

The Planning Commission reviews all development cases, with the exception of minor cases which are reviewed only at the staff level. The powers and duties of the Planning Commission are enumerated in Sections 176-185 of the Frederick City Charter. The City's Land Management Code (LMC) establishes the processes and criteria for Division of Planning and Planning Commission plan review and approval.

The Division of Planning processed 337 planning cases in 2021. This figure represents an increase from the total of 234 cases in 2020. The majority of the planning cases were of Final Site Plans, Final Subdivisions, Sketch Plans, Zoning Map Amendments, Zoning Text Amendments and Zoning Determinations.

Planning Cases 2021*				
Type	2020	% of Total	2021	% of Total
Annexation	1	0.4%	1	0.3%
Archeological Assessment	22	9.5%	30	8.9%
Combined Forest Stand Delineation/Preliminary Forest Conservation Plan	6	2.6%	15	4.5%
Combined Final Site Plan/Preliminary Subdivision Plan	4	1.7%	10	3.0%
Comprehensive Plan Map Amendment	1	0.4%	1	0.3%
Final Forest Conservation Plan	9	3.8%	9	2.7%
Final Site Plan	41	17.5%	50	14.8%
Final Subdivision	52	22.2%	58	17.2%
Forest Stand Delineation	3	0.4%	5	1.5%
Master Plan	3	1.3%	1	0.3%
Planned Neighborhood Development	0	0.4%	1	0.3%
Preliminary Forest Conservation Plan	1	0.4%	9	2.7%
Preliminary Subdivision Plat	3	1.3%	6	1.8%
PC Modifications	2	0.9%	1	0.3%
Registration for Non-Conforming Use	0	0.0%	0	0.0%
Sketch Plans/Pre-Application Plan	25	10.7%	34	10.0%
Traditional Neighborhood Development	0	0.0%	0	0.0%
Zoning Determination	49	20.9%	98	29.0%
Zoning Map Amendment	8	3.4%	3	0.9%
Zoning Text Amendment	3	1.3%	5	1.5%
Total	234	100%	337	100%

\*Totals represent date of submittals and do not reflect date of approval.



# **ZONING MAP AMENDMENTS**

## **CITY OF FREDERICK DIVISION OF PLANNING**

The Division of Planning processed a total of 6 Zoning Map Amendments in 2021. Below are details of these rezoning applications.

- **PC21-898ZMA - 10-12 W. College Terrace**
- **PC21-902ZMA - 1724 N. Market Street**

# **FOREST CONSERVATION**

## **CITY OF FREDERICK DIVISION OF PLANNING**

As of 2017 the canopy report update, the City of Frederick has 20% canopy towards the State goal of 40%; the City is in the process of obtaining a current canopy report for 2021. The FY2020-FY2021 Forest Conservation Annual Report submitted to the Department of Natural Resources showed that the City collected \$52,293.41 in fee-in-lieu of forest fund. As of February 14, 2022, the forest fund had a balance of \$868,849.54 and expended \$1,070,863.91 since inception of program in 1993. The City has more than 130 forest protection easements recorded on private and public land. The Parks and Recreation Department has fulfilled planting in the existing parks within the City. The City provides programs to encourage private residents to plant more trees on lots and in open space areas to be placed under protective easements. The City aims to educate, incentivize, and establish regulations to deter removal of individual trees on private property. The City has an immediate goal to update the LMC Section 721 Forest Conservation (ordinance) to comply with the Forest Conservation Act changes. Concurrently, the City proposes to raise the fee-in-lieu (FILO) rate for the first time since the inception of the program. The increased rate will provide funds for forest maintenance, planting costs, but, most importantly, for the City to acquire land for planting and retention forest areas. With the remaining FILO funds, approximately 60 acres must be planted, and future funds collected must be used to satisfy associated plantings, based on timing of the associated plans as mandated under Senate Bill 234. In compliance with SB 234, the City has created a GIS layer showing the recorded easements in the City compared to City-owned properties in hopes to use this as a comprehensive planning tool for future plantings.

# **ARCHEOLOGICAL ASSESSMENTS**

## **CITY OF FREDERICK DIVISION OF PLANNING**

The City's Archeological Protection requirements are intended to identify, evaluate and protect archeological sites in the City of Frederick. These standards apply to the majority of new subdivision applications, permits involving more than 5,000 square feet of disturbance, and building permits with ground disturbance in the National Register District. Archeological Protection requirements are described in Section 603 of the LMC.

In 2021, the Division of Planning reviewed thirty (30) archeological assessment cases. When potential archeological sites are identified, further analysis in the form of a Phase I archeological assessment maybe necessary. Pending the results of that assessment, redesign or mitigation is required.

# ZONING DETERMINATIONS

## CITY OF FREDERICK DIVISION OF PLANNING

In 2021, the Division of Planning received 98 requests for Zoning Determinations. The purpose of the Zoning Determination service provided by the Zoning Administrator is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific zoning district and to clarify and interpret the Land Management Code. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plan and the Land Management Code for compliance. If the applicant feels aggrieved by the decision or determination made by the Zoning Administrator, the Zoning Determination may be appealed within thirty days to the Zoning Board of Appeals.

### Requests for Zoning Determination

Year	2021	2020	2019	2018	2017	2016
Number of Determinations	<b>98</b>	<b>49</b>	<b>56</b>	<b>53</b>	<b>52</b>	<b>59</b>

# ZONING BOARD OF APPEALS

## CITY OF FREDERICK DIVISION OF PLANNING

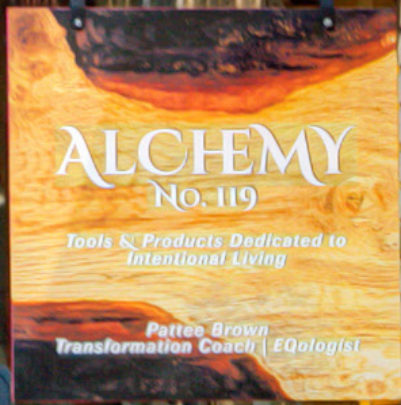
The Zoning Board of Appeals (ZBA) reviews variances, home occupations, matters related to nonconforming uses, conditional uses, and administrative appeals. The ZBA heard 10 individual cases in 2021, an decrease from the previous year's total of 18. The majority of the cases consisted of conditional use requests including home occupations.

One of the goals in adopting the LMC was to reduce the number of requests before the ZBA. In drafting the code, staff reviewed the 1986 Zoning Ordinance for sections that often resulted in variances granted by the ZBA. The 2005 LMC modifies many of these regulations, and provides more flexibility in addressing site-specific circumstances.

Zoning Board of Appeals Cases 2021

Type	2020	% of Total	2021	% of Total
Home Occupations	7	38.8%	3	30.0%
Administrative Appeal	0	0.0%	1	10.0%
Non-Conforming Use	1	5.6%	0	0.0%
Conditional Use	9	50.0%	2	20.0%
Temporary Use	0	0.0%	0	0.0%
Variances	1	5.6%	4	40.0%
<b>Total</b>	<b>18</b>	<b>100%</b>	<b>10</b>	<b>100%</b>





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Blue sign with text and image



## **PLANNER ON CALL**

### **CITY OF FREDERICK DIVISION OF PLANNING**

The Division of Planning provides customer service through the “Planner On Call” initiative. The “Planner On Call” is responsible for answering questions from either phone requests or walk-in customers. These questions generally pertain to the LMC and zoning regulations for particular properties, HPC inquiries or requests to view site plans or subdivisions. The Department can efficiently and effectively serve the public without the need to arrange for appointments or meetings. The Planner On Call can be reached at 301-600-1499 from 8:00 am - 2:00 pm, Monday - Friday. In addition the Planner On Call can assist the public in person at the Municipal Office Annex, 140 West Patrick Street.

## **MARYLAND MOTOR VEHICLE ADMIN. REQUESTS**

### **CITY OF FREDERICK DIVISION OF PLANNING**

Throughout the year, the Division of Planning provides support to the Maryland Motor Vehicle Association (MVA) by processing a Zoning Approval Form. In 2021, the Division of Planning completed two (2) forms forwarded by the MVA. The forms are meant to confirm zoning and to verify zoning compliance for automobile oriented businesses seeking a license from the MVA. The City Division of Planning confirms the prospective business has obtained the proper zoning approvals and meets the requirements of the LMC and other local regulations.

## **FREDERICK COUNTY LIQUOR BOARD REQUEST**

### **CITY OF FREDERICK DIVISION OF PLANNING**

Prior to the Frederick County Liquor Board approving the sale of beer, wine and liquor, the prospective business must obtain written confirmation that the business is located within an area zoned to permit the sale of alcoholic beverages. The Division of Planning processed zero (0) zoning confirmation forms in 2021. When reviewing the request, the Division of Planning confirms that the business has obtained the proper zoning approval and meets the requirements of the LMC and other local regulations.

# HISTORIC PRESERVATION

## CITY OF FREDERICK DIVISION OF PLANNING

### **HP Division Overview**

In 1952 the City of Frederick created a historic district that encompassed a few blocks downtown, becoming the second city in Maryland and the 13th in the nation to do so. The Historic District Commission was created in 1968 and in 1969 and was empowered with the authority to review and approve exterior alterations, signs and demolitions. The district was listed on the National Register of Historic Places in 1973. In 1977, after several years of grass roots efforts, the boundaries of the City's historic district were expanded and the City Code was strengthened. In 1988 the boundaries of the National Register District were expanded and in 1995 the City's historic district boundaries were increased once more. In 2001 the historic district was officially named the "Frederick Town Historic District" and in 2005 the Commission was renamed the Historic Preservation Commission (HPC). The Historic Preservation Commission derives its legal authority from Sections 2-34 through 2-43 of the City Code and from The Land Use Article of the Code of Maryland.

### **HP Services Overview**

The Historic Preservation Commission reviews all applications for exterior alterations, new construction and demolition in the City's historic preservation overlay zones with the exception of some categories of rehabilitation work which are approved administratively by historic preservation staff. Before making a decision that involves ground disturbance, the HPC considers the findings of an archeological assessment.

The HPC also occasionally advises on projects that affect historic resources that fall outside the boundaries of the historic district. In addition to proposed subdivisions and annexations, the Commission also provides recommendations to the Planning Commission for proposals that impact the use or development of significant historic sites throughout the City. The HPC is also charged with reviewing all proposed demolition projects involving buildings 50 years in age or older and evaluate its potential designation before a demolition permit is granted. The Commission also serves as a consulting party in accordance with Section 106 of the National Preservation Act.

### **Preservation Matters**

This award-winning series of articles highlights the history and architectural legacy of the City of Frederick, as well as specific preservation topics such as building maintenance.

### **National Register Update**

The City of Frederick was awarded a grant by the Maryland Historical Trust (State Historic Preservation Office) to hire an architectural historian consultant to complete an update of the National Register of Historic Places nomination for the Frederick Historic District. The updated nomination will include a detailed and inclusive historic context of the nomination to meet current professional standards. Existing aspects of the historic context in the current nomination will be edited and updated with supplemental information. The consultant will also be responsible for re-evaluating the existing boundaries with justifications, establishing a period of significance, preparing a contributing/noncontributing map and corresponding list, and other documentary requirements. This is to be completed in early 2022.



## National Alliance of Preservation Commissions CAMP (Commission Assistance and Mentoring Program)

On April 29, 2021, The Planning Department hosted, with Certified Local Government (CLG) grant funding, a two-hour virtual training CAMP (Commission Assistance and Mentoring Program), the signature training offered by the National Alliance of Preservation Commissions. The high-quality and informative training was led by qualified preservation professionals on the topics of infill design and mid-century resources. This training was attended by Historic Preservation Commission members, staff and was broadcast online.

## Historic Preservation Tax Credits

Each year the Historic Preservation Commission certifies property tax credit applications made under Section 8-10 of the City Code. This program provides a credit equal to 25% of the eligible expenditures made by a tax paying property owner to rehabilitate and preserve the exterior of a property in the Historic Preservation Overlay (HPO), up to \$7,500 in a calendar year. In 2021, 39 applications were certified that represent an investment amount of \$507,220.12 and a credit amount of \$105,987.09.

There were 372 applications submitted to the HPC. The table below shows 2021 HPC applications by type.

Historic Preservation Commission Cases 2021				
Type	2020	% of Total	2021	% of Total
Demolitions (full, or partial)	13	3.7%	20	5.4%
New Construction, Level 1	5	1.4%	4	1.1%
New Construction, Level 2	6	1.7%	5	1.3%
Exterior Rehabilitation and Additions	257	73.9%	248	66.7%
Fences	31	8.9%	46	12.3%
Signs	25	7.2%	41	11.0%
Modification to Approval	12	3.2%	8	2.2%
<b>Total</b>	<b>348</b>	<b>100%</b>	<b>372</b>	<b>100%</b>

# COMPREHENSIVE PLANNING DIVISION

## CITY OF FREDERICK DIVISION OF PLANNING

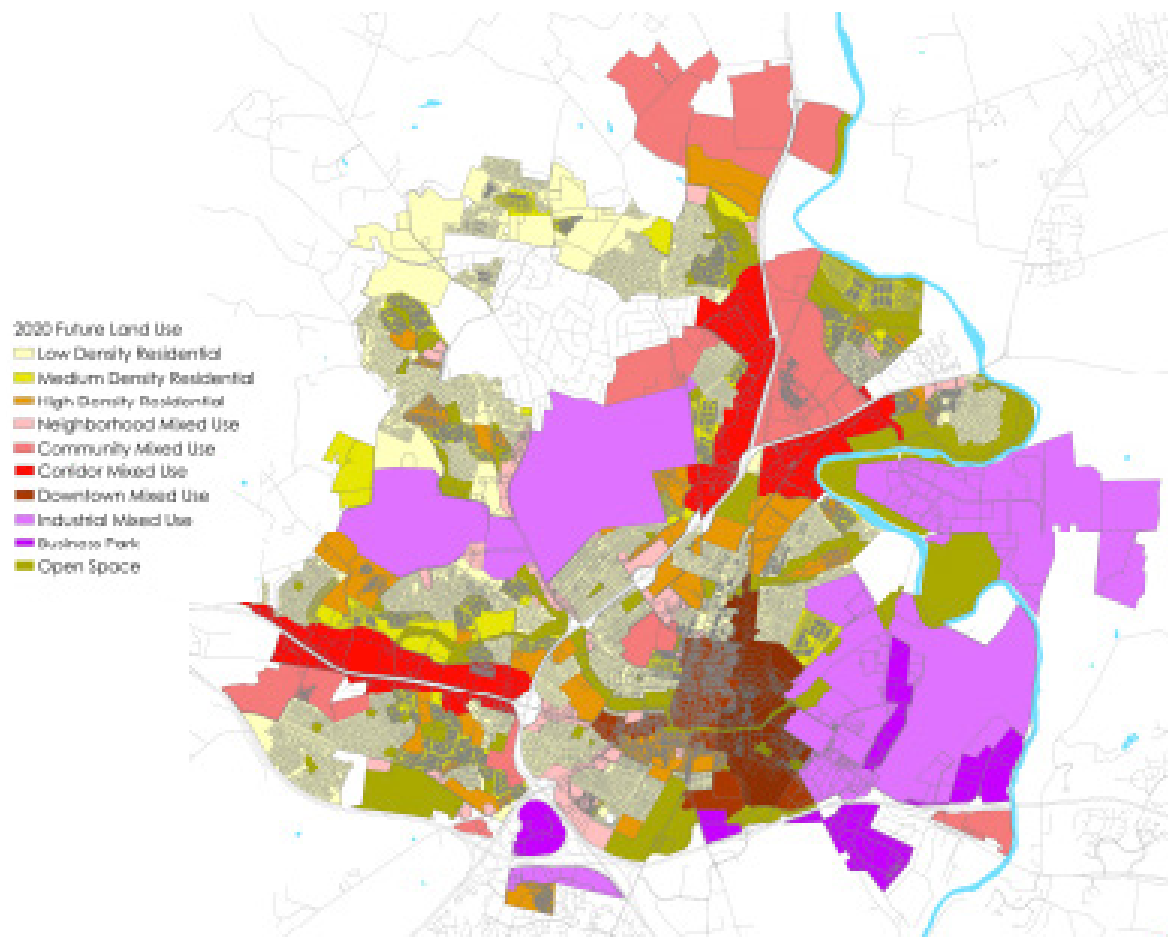
### **2021 Comprehensive Plan**

The Mayor and Board of Aldermen approved the City of Frederick 2020 Comprehensive Plan on April 15, 2021 to become effective on October 1, 2021. The Comprehensive Plan is a guide for the location, character and extent of proposed public and private development in the City of Frederick. The Comprehensive Plan's policies and recommendations will be implemented over time through many distinct decisions including the rezoning and subdivision of land and the location and construction of public improvements. The Comprehensive Plan provides the policy basis for the integration and coordination of these decisions and actions.

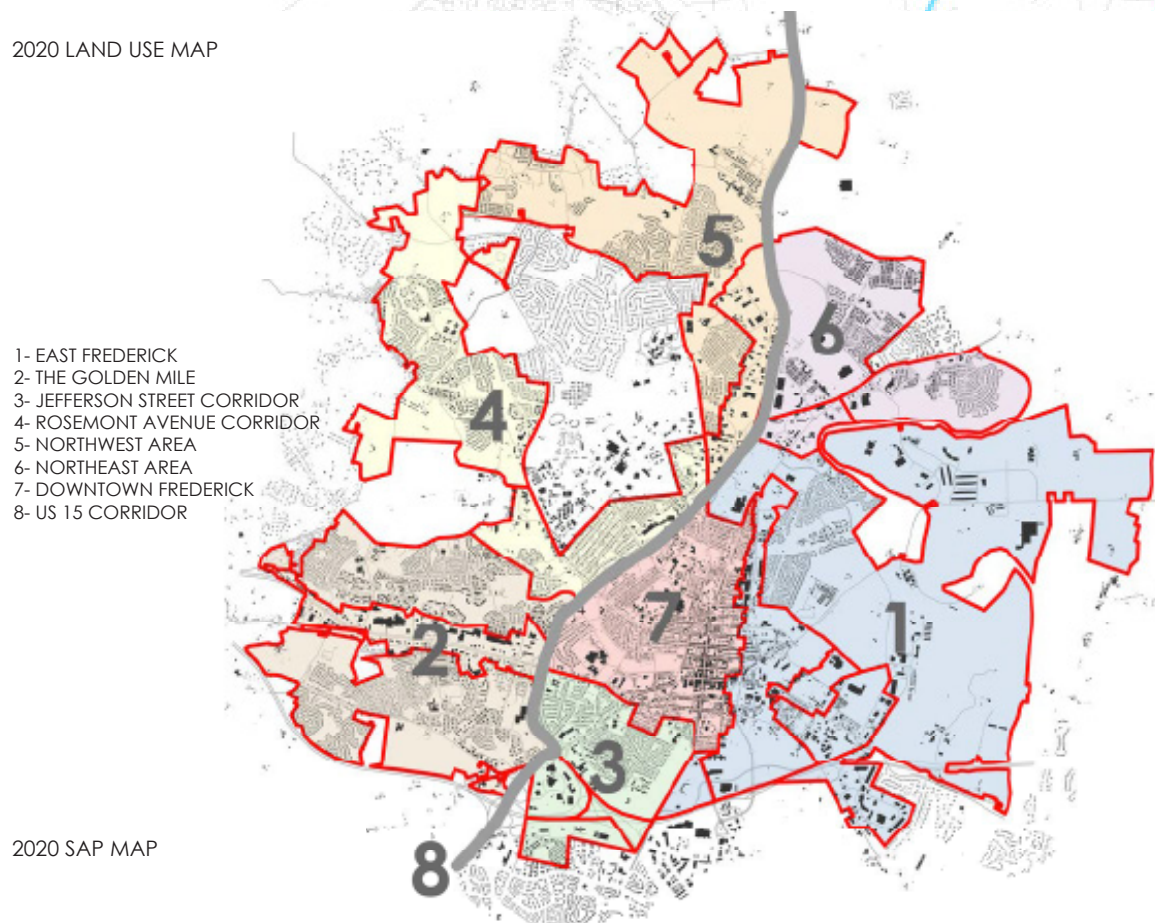
The Comprehensive Plan also provides specific guidance for how the City's development regulations should be updated, enhanced, and streamlined to facilitate plan implementation. Under the State's planning statutes, the Comprehensive Plan must be updated every six years to respond to changing conditions, unforeseen events and trends, and changing objectives. Upon adoption of a Comprehensive Plan, the City's land use ordinances and zoning maps are to be amended to be consistent with the plan.

### **Legal Basis**

Under Maryland Law, the Planning Commission has the duty to make and approve a Comprehensive Plan and then recommend its adoption to the Mayor and Board of Aldermen. The Comprehensive Plan is to "serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships." The Land Use Article of the Annotated Code of Maryland requires that the Comprehensive Plan "serve as a guide for the development and economic and social well being" of the City. The Comprehensive Plan is to be composed of a number of interrelated elements that address land use, transportation, community facilities, sensitive areas, mineral resources, and plan implementation. In addition, the Land Use Article mandated that Municipal Growth and Water Resource Elements be introduced into the Comprehensive Plan beginning in 2010. The Planning Commission may include other elements as it deems necessary.



2020 LAND USE MAP



2020 SAP MAP

# SMALL AREA PLANNING

## CITY OF FREDERICK DIVISION OF PLANNING

Small Area Plans assist in implementing the goals and recommendations of the City's Comprehensive Plan. Recognizing the unique character of the City's different communities, the 2020 Comprehensive Plan Update identified eight small planning areas and recommended that a separate, more detailed land use plan be completed for each. The City's Comprehensive Plan and the adopted Land Use Map are policy guides for the Small Area Plans. Small Area Plans serve as a guide for land use, environmental protection, transportation improvements, open space and other capital improvements, and identify opportunities for commercial revitalization and, where appropriate, mixed-use development.

Benefits of Small Area Plans:

- Represent the community's vision
- Reflect neighborhood stakeholders' input
- Provide specific recommendations at a neighborhood level
- Offer increased efficiency in provision of public services
- Allow greater predictability in land use and development
- Enable neighborhoods to be proactive in making land use recommendations
- Identify priority neighborhood projects and possible resources for implementation
- Help to guide the investment decisions of local governments

The Division of Planning has been involved in two Small Area Plans in recent years. The first was the Golden Mile Small Area Plan and the second and most recent is the East Street Corridor Small Area Plan.

### East Frederick

East Frederick is a dynamic area with a wide variety of land uses, including retail, office and residential uses (including some historic residential areas), as well as manufacturing, wholesale trade, and other industrial uses. The City's east side also includes the historic Frederick Fairgrounds, the Frederick Municipal Airport and the MARC commuter rail station.

Preserving and supporting the current mix of land uses could be a central policy of an area plan. In addition, major corridors such as East Patrick Street and East Street present vital development and redevelopment opportunities for the area. The Planning Commission voted to recommend approval of the East Frederick Vision Document with revisions to the Mayor and Board of Aldermen in December of 2010. The Vision Document





was presented to and adopted by the Mayor and Board of Aldermen in 2011. The next step will be to develop a more detailed small area plan. The Vision Plan was printed and bound for distribution in 2012 with grant funding from a previous year.

In December of 2013, members and staff of the Urban Land Institute (ULI) visited Frederick to conduct a Technical Assistance Panel (TAP). This program provides expert multidisciplinary advice on land use and real estate issues facing public agencies and nonprofit organizations in the Metro Washington area. The Panel spent a day and a half visiting and then offering objective advice on a wide variety of issues ranging from site-specific to public policy questions. The final report is available on the City's of Frederick's website.

In 2015, staff drew a small area plan boundary focusing on the East Street Corridor. This small area plan supports the East Frederick objectives. Efforts on the East Street Corridor Small Area Plan including a public survey and existing conditions report were undertaken in 2015. In 2016 Planning staff hosted an Open House where the results of the surveys were revealed and reviewed the existing conditions of the study area. Stakeholders were able to discuss specific locations in the corridor in various breakout sessions. Staff compiled all this information and created the first draft of the plan which was completed in late 2016. The Plan was adopted in August 2017.

## **EAST STREET FORM-BASED CODE**

The Division of Planning is launching efforts to draft a Form-Based Code for the East Street.

With the 2020 Comprehensive Plan, Strategic Plan, and the East Street Small Area Plan as the foundation, the Division of Planning will begin the process by gathering public input and collecting data to define goals and strategies that will guide the East Street growth and development and ensure that the community's vision is put into action and the goals are being met.

### *What is a Form-Based Code?*

Form-Based Code (FBC) is a zoning regulation that guides how developments and buildings relate to the public realm first, and only secondarily to what uses occur inside them. Its purpose is to design a particular type of place or built environment based on the community's vision.

FBCs are written to regulate development so that it deliberately generates a specific urban form, including the public realm. The purpose is to integrate subdivision and zoning regulations and right of way standards (roads, sidewalks, landscaping) and rules for parks and other open spaces such as plazas and squares. Intentionally defining the relationship between private development and the streetscape in order to create an inviting and comfortable public space, including streets, sidewalks, plazas, squares, and anywhere else the public gathers outdoors.

### Objectives

- Promote high-quality structures, streetscape, urban design public realm within an urban context.
- Encourage all development types for a unified and attractive environment. This Code is intended to provide requirements and guidance, mainly in graphic form, in accordance and to implement the vision of the community.
- Create an identifiable neighborhood/ corridor environment and provide customer experience opportunities for existing and new nonresidential users.
- Support public infrastructure upgrade, extension, and beautification opportunities.
- Build upon established anchor uses and areas.
- Promote differentiated and unique ideas that can provide a sense of place and destination while encouraging new and expanded development in the corridor.
- Continue to support citizen-based initiatives to improve the east side of Frederick and create opportunities for citizen representation in the area.

### Project Approach

Task 1: Introduction to the Form-Based Code

Task 2: Initial Review + Analysis

- Meetings + Interviews
- Existing Document Analysis
- Site Analysis

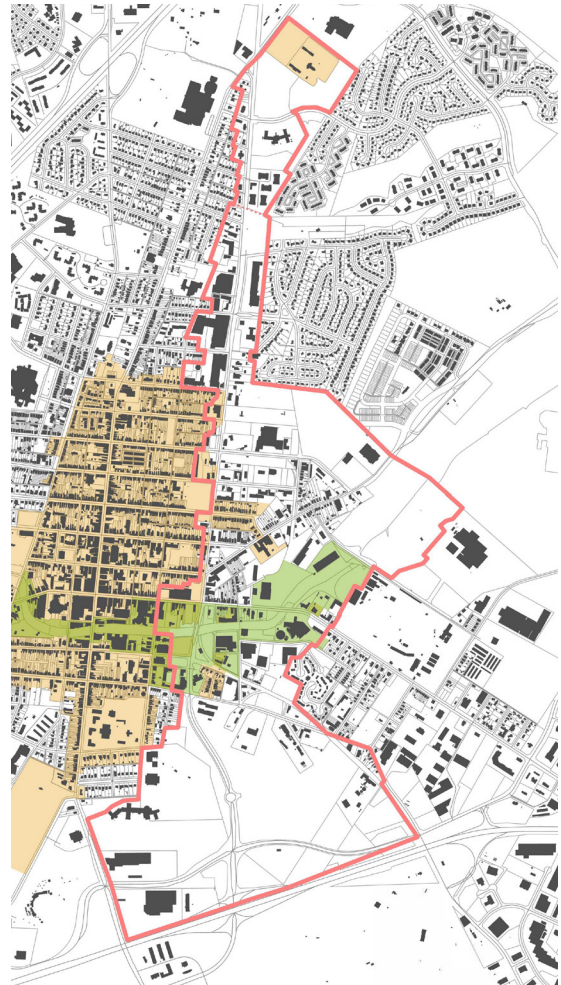
Task 3: Public Design Process

- Design Charrette

Task 4: Drafting the Form-Based Code

Task 5: Refining the Form-Based Code

Task 6: Approval Process



Suggested East Frederick Form-Based Code Study Area

### Golden Mile/US 40 Corridor

The Golden Mile / US 40 Corridor includes a significant amount of commercial development serving nearly 65,000 people within a three-mile radius. However, the corridor is characterized by a lack of connectivity between commercial uses which discourages pedestrian access between neighborhoods and adjacent commercial areas.



The primary challenges in the revitalization of the Golden Mile are existing street design and right-of-way dimensions. The Golden Mile, in its current form, is a typical first-generation suburban street

*Model created by Dave Ager of Townscape Design LLC depicting a portion of the Golden Mile Small Area Plan were presented during Workshop III on January 25, 2011.*



primarily designed to serve motorists. Development along this corridor is characterized by strip-center shopping areas, surface parking lots, and an excessive number of access points onto West Patrick Street. A significant challenge for the Golden Mile will be to transform the corridor into a street type that can serve users of all travel modes, including pedestrians, bicycles, and transit.

Staff began the Small Area Planning process for the Golden Mile in the Spring of 2010. Staff conducted a survey directed towards the property owners, business owners, and general public to commence the process and received an overwhelming response from the stakeholders. After reviewing over 900 survey responses, staff held three public workshops prior to drafting the plan. In January 2011, the Division of Planning began drafting the Small Area Plan. A draft of the plan was released in December 2011 for public comment.

In 2012, the public, various neighborhood and community groups and the Planning Commission provided comments in the Small Area Plan. The adoption of the plan was in 2013.

Staff continues to work with the Golden Mile Alliance, business and property owners and potential developers to implement the goals of the Plan.











Produced By:  
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